

# EXHIBIT C

UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

ROBERT A. CATALFAMO, ET AL.,  Plaintiffs-Appellants,  v.  SEARS HOLDINGS CORPORATION, ET AL.,  Defendants-Appellees.	<b>PLAINTIFFS- APPELLANTS' DOCKETING STATEMENT</b>  Case No.: 18-3040
---	---

Appellants Robert A. Catalfamo and Lavarita D. Meriwether by  
and through their undersigned attorneys hereby submit the following  
Docketing Statement pursuant to Circuit Rules 3(c)(1) and 28(a):

**I. JURISDICTIONAL STATEMENT**

**A. Jurisdiction of the District Court**

The United States District Court for the Northern District of  
Illinois had jurisdiction pursuant to 28 U.S.C. § 1331 because the case  
is a civil action arising under the laws of the United States and  
pursuant to ERISA § 502(e)(1), 29 U.S.C. § 1132(e)(1), which provides  
for federal jurisdiction of actions brought under Title I of the Employee  
Retirement Income Security Act of 1974 (“ERISA”).

## **B. Jurisdiction of the Court of Appeals**

This appeal is taken from the final decision of the U.S. District Court for the Northern District of Illinois, Eastern Division entered on August 21, 2018, by the Honorable Charles R. Norgle.

The United States Court of Appeals has jurisdiction to decide this case pursuant to 29 U.S.C. § 1291. *See* Appellants' Jurisdictional Memorandum, Ct. App. Dkt. 5; Response to Plaintiffs-Appellants' Jurisdictional Memorandum by Defendants-Appellees Sears Holdings Corporation Administrative Committee, Sears Holdings Corporation Investment Committee, Edward S. Lampert and Michael O'Malley, Ct. App. Dkt. 12.

The Notice of Appeal was filed with the District Court on September 20, 2018.

## **II. SCOPE OF AUTOMATIC STAY**

On October 15, 2018, Sears Holdings Corporation filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of New York. *See In re Sears Holdings Corp.*, Case No. 18-23538 (RDD) (Bankr. S.D.N.Y., filed Oct. 15, 2018).

On October 18, 2018, this Court “ORDERED that all proceedings in this appeal are STAYED pursuant to the automatic stay provision of 11 U.S.C. § 362.” Plaintiffs-Appellants contend that the automatic stay should not extend to non-debtor defendants-appellees Sears Holdings Corporation Administrative Committee, Sears Holdings Corporation Investment Committee, Edward S. Lampert and Michael O’Malley. *In re Caesars Entm’t Operating Co., Inc.*, 540 B.R. 637, 643 (Bankr. N.D. Ill. 2015) (“courts in this circuit—including the court of appeals—have repeatedly held that the automatic stay does not apply to non-debtors or their property”). Thus, Plaintiffs-Appellants file this Docketing Statement because the appeal should not be deemed stayed as to the non-debtor defendants-appellees.

Dated: October 23, 2018

Respectfully submitted,

**KELLER ROHRBACK L.L.P.**

/s/ Erin M. Riley

Lynn L. Sarko

lsarko@kellerrohrback.com

T. David Copley

dcopley@kellerrohrback.com

Erin M. Riley

eriley@kellerrohrback.com

1201 Third Avenue, Suite 3200

Seattle, WA 98101

Tel: (206) 623-1900

Fax: (206) 623-3384

**KELLER ROHRBACK L.L.P.**

Gary A. Gotto  
ggotto@kellerrohrback.com  
3101 North Central Avenue, Suite 1400  
Phoenix, AZ 85012  
Tel: (602) 230-6322  
Fax: (602) 248-2822

**KELLER ROHRBACK L.L.P.**

Tanya Korkhov  
tkorkhov@kellerrohrback.com  
1140 Avenue of the Americas, Ninth Floor  
New York, NY 10036  
Tel: (646) 380-6690  
Fax: (646) 380-6692

**STULL, STULL & BRODY**

Mark Levine  
mlevine@ssbny.com  
Michael J. Klein  
mklein@ssbny.com  
6 East 45<sup>th</sup> Street  
New York, NY 10017  
Tel: (212) 687-7230  
Fax: (212) 490-2022

**STULL, STULL & BRODY**

Patrice L. Bishop  
pbishop@ssbla.com  
9430 W. Olympic Boulevard  
Suite 400  
Beverly Hills, California 90212  
Tel: (310) 209-2468  
Fax: (310) 209-2087

**SIPRUT PC**

Bruce C. Howard

bhoward@siprut.com

Richard S. Wilson

rwilson@siprut.com

17 N. State Street

Suite 1600

Chicago, Illinois 60602

Tel: (312) 236-0000

Fax: (312) 878-1342

**STEPHAN ZOURAS, LLP**

James B. Zouras

jzouras@stephanzouras.com

205 North Michigan Avenue, Suite 2560

Chicago, Illinois 60601

Tel: 312-233-1550

Fax: 312-233-1560

*Attorneys for Plaintiffs-Appellants*

## CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2018, I electronically filed the foregoing with the U.S. Court of Appeals for the Seventh Circuit by using the Court's CM/ECF system. I certify that all appellate counsel of record to the parties to this appeal are registered with the Court's CM/ECF system. Pursuant to FRAP 25(d)(1)(B), the names of counsel, mailing address and electronic addresses are listed below:

Deborah Shannon Davidson  
deborah.davidson@morganlewis.com  
Christopher J. Boran  
christopher.boran@morganlewis.com  
Hillary August  
hillary.august@morganlewis.com  
MORGAN, LEWIS & BOCKIUS LLP  
77 W. Wacker Drive, 5th Floor  
Chicago, IL 60601-5094

s/ Erin M. Riley  
Erin M. Riley